

§ 165.778

33 CFR Ch. I (7–1–10 Edition)

or vessel authorized to enter the security zone must operate in strict conformance with any direction given by the COTP or a designated representative and leave the security zone immediately if so ordered.

(3) The public will be notified when the security zone is activated by the display of a red ball on a 50-foot pole located at the east end of Cruise Ship terminal 10. This red ball will be lowered when the security zone is deactivated. To ensure boaters are given sufficient knowledge of the security zone, the Coast Guard will continuously broadcast the activations of the zone and law enforcement vessels will be on scene to inform boaters that the zone has been activated. Vessels encroaching on the security zone will be issued a Public Notice which clearly states the location of the security zone and the times it will be enforced. This will be the boater's first warning prior to enforcement action being taken.

(c) *Definitions.* The following definition applies to this section:

Designated representative means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local law enforcement officers designated by or assisting the COTP in the enforcement of the security zone.

(d) *Captain of the Port contact information.* If you have questions about this regulation, please contact the Sector Command Center at (904) 564-7513.

(e) *Enforcement periods.* This section will only be subject to enforcement when the security zone described in paragraph (a) is activated as specified in paragraph (b)(1) of this section.

[USCG-2008-0752, 74 FR 15856, Apr. 8, 2009]

§ 165.778 Security Zone; Port of Mayaguez, Puerto Rico.

(a) *Security zone.* A moving and fixed security zone is established around all cruise ships entering, departing, mooring, or anchoring in the Port of Mayaguez, Puerto Rico. The regulated area includes all waters from surface to bottom within a 50-yard radius of the vessel. The zone is activated when a cruise ship on approach to the Port of Mayaguez enters within 1 nautical mile of the Bahia de Mayaguez Range Front

Light located in position 18°13'12" N 067°10'46" W. The zone is deactivated when a cruise ship departs the Port of Mayaguez and is no longer within 1 nautical mile of the Bahia de Mayaguez Range Front Light.

(b) *Definitions.* As used in this section:

Cruise ship means any vessel over 100 gross registered tons, carrying more than 12 passengers for hire.

Designated representative means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels and Federal, State, and local officers designated by or assisting the Captain of the Port San Juan in the enforcement of the security zone.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. Naval vessels and servicing pilot and tug boats.

(c) *Regulations.* (1) No person or vessel may enter into the security zone under this section unless authorized by the Captain of the Port San Juan.

(2) Vessels seeking to enter a security zone established in this section, may contact the COTP on VHF channel 16 or by telephone at (787) 289-2041 to request permission.

(3) All persons and vessels granted permission to enter the security zone must comply with the orders of the Captain of the Port San Juan and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(d) *Effective period.* This section is effective on April 29, 2009.

[USCG-2008-0070, 74 FR 14049, Mar. 30, 2009]

EIGHTH COAST GUARD DISTRICT

§ 165.T08-290 Safety Zone; Gulf of Mexico—Johns Pass, Florida.

(a) *Regulated area.* The Coast Guard is establishing a temporary safety zone on the waters of the Gulf of Mexico, Florida, in the vicinity of the John's Pass Bridge, that includes all the waters from surface to bottom, within a

Coast Guard, DHS

§ 165.803

100-yard radius of the following coordinates: 27°46'58" N, 082°46'57" W. All coordinates referenced use datum: NAD 83.

(b) *Definitions.* The following definition applies to this section:

Designated representative means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port (COTP) St. Petersburg, Florida, in the enforcement of regulated navigation areas and safety and security zones.

(c) *Regulations.* In accordance with the general regulations in §165.23 of this part, no person or vessel may anchor, moor or transit the Regulated Area without the prior permission of the Captain of the Port St. Petersburg, Florida, or a designated representative.

(d) *Dates.* This rule is effective until the bridge construction is completed tentatively scheduled for July 2010.

(e) *Enforcement.* This regulated area will only be enforced while construction operations are taking place. The Coast Guard does not know the exact dates of the construction operations at this time, however Sector St. Petersburg will announce each enforcement period by publishing the restriction in the local notice to mariners and issuing Broadcast Notice to Mariners 24 to 48 hours prior to the start of enforcement. Additionally, on-scene notice will be provided by Coast Guard or other local law enforcement maritime units enforcing the safety zone.

EFFECTIVE DATE NOTE: By USCG-2008-0290, 73 FR 51942, Sept. 8, 2008, temporary §165.T08-290 was added, effective Aug. 29, 2008 through Aug. 30, 2010.

§ 165.802 Lower Mississippi River, vicinity of Old River Control Structure—Safety Zone.

(a) The area enclosed by the following boundary is a safety zone—from the Black Hawk Point Light, mile 316.1 AHP LMR to a point opposite Ft. Adams Light, mile 311.5 AHP along the low water reference plane above the right descending bank; thence to the levee on a line perpendicular to the channel centerline; thence along the levee to the upstream end of the Old

River Overbank structure; thence along a line to the Black Hawk Point Light.

(b) Any vessel desiring to enter this safety zone must first obtain permission from the Captain of the Port, New Orleans. The resident engineer at Old River Control Structure (WUG-424) is delegated the authority to permit entry into this safety zone.

[CGD8-87-10, 53 FR 15207, Apr. 28, 1988, as amended by CGD8 89-03, 54 FR 16108, Apr. 21, 1989]

§ 165.803 Mississippi River—regulated navigation area.

The following is a Regulated Navigation Area—The waters of the Mississippi River between miles 88 and 240 above Head of Passes.

(a) *Definitions.* As used in this section:

(1) *Breakaway* means a barge that is adrift and is not under the control of a towing vessel.

(2) *COTP* means the Captain of the Port, New Orleans.

(3) *Fleet* includes one or more tiers.

(4) *Fleeting facility* means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(5) *Mooring barge* or *spar barge* means a barge moored to mooring devices and to which other barges may be moored.

(6) *Mooring device* includes a deadman, anchor, pile or other reliable holding apparatus.

(7) *Person in charge* includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting facility subject to the regulations in this section.

(8) *Tier* means barges moored interdependently in rows or groups.

(b) *Waivers:* (1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.

(2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(4) The COTP may, at any time, terminate any waiver issued under this subsection.

(c) *Emergencies.* In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.

(d) *Mooring: General.* (1) No person may secure a barge to trees or to other vegetation.

(2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.

(3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(e) *Mooring to a mooring device.* (1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device, except that from mile 127 to mile 240 a barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device.

(2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device, except that from mile 127 to mile 240 barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device.

(3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼ inch. Chain or line used between the

upstream end of a barge and a mooring device must be at least equivalent in strength to 1¼ inch diameter wire rope.

(4) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of ¾ inch. Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of ¾ inch diameter wire rope.

(f) *Moorings: Barge-to-barge; barge-to-vessel; barge-to-wharf or pier.* The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by:

(1) Three parts of wire rope of at least ¾ inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(2) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of ¾ inch diameter wire rope; or

(3) Fixed rigging that is at least equivalent to three parts of ¾ inch diameter wire rope.

(g) *Mooring: Person in charge.* (1) The person in charge of a barge, tier, fleet or fleeting facility shall ensure that the barge, tier, fleet or fleeting facility meets the requirements in paragraphs (d) and (e) of this section.

(2) The person in charge shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

(h) *Fleeting facility: inspection of moorings.* (1) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (h)(2) of this section.

(2) The person assigned to inspect moorings shall inspect:

(i) At least twice each day during periods that are six hours or more apart, each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each barge; and

(ii) After a towboat adds barges to, withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(3) The person who inspects moorings shall take immediate action to correct each deficiency.

(i) *Fleeting facility: Records.* The person in charge of a fleeting facility shall maintain, and make available to the Coast Guard, records containing the following information:

(1) The time of commencement and termination of each inspection required in paragraph (h)(2) of this section.

(2) The name of each person who makes the inspection required in paragraph (h)(2) of this section.

(3) The identification of each barge entering and departing the fleeting facility, along with the following information:

(i) Date and time of entry and departure; and

(ii) The names of any hazardous cargo which the barge is carrying.

NOTE: The requirements in paragraph (i)(3) of this section for the listing of hazardous cargo refer to cargoes regulated by Subchapters D and O of Chapter I, Title 46, Code of Federal Regulations.

(j) *Fleeting facility: Surveillance.* (1) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP.

(2) The person who observes the barges shall:

(i) Inspect for movements that are unusual for properly secured barges; and

(ii) Take immediate action to correct each deficiency.

(k) *Fleeting facility: person in charge.* The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of paragraph (h) or (j) of this section is corrected.

(l) *Securing breakaways.* The person in charge shall take immediate action to:

(1) Secure each breakaway; and

(2) Report each breakaway as soon as possible to the COTP by telephone, radio or other means of rapid communication.

(m) *High water.* (1) This subsection applies to barges on the Mississippi River between miles 88 and 240 above Head of Passes when:

(i) The Carrollton gage stands 12 feet or more; or

(ii) The Carrollton gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and issues orders directing that paragraphs (m)(2) and (3) of this section are in effect.

(2) During high water, the person in charge of a fleeting facility shall ensure compliance with the following requirements:

(i) Each fleet consisting of eight or more barges must be attended by at last one radar-equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(ii) Each fleet must have two or more towboats in attendance when:

(A) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains eight or more barges; or

(B) Barges are added to the fleet and the number of barges being added plus the fleet at the start of the operation total eight or more.

(iii) Each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section must be:

(A) Capable of safely withdrawing, moving or adding each barge in the fleet;

(B) Immediately operational;

(C) Radio-equipped;

(D) Within 500 yards of the barges; and

(iv) The person in charge of each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section shall maintain:

(A) A continuous guard on the frequency specified by current Federal Communications Commission regulations found in Part 83 of Title 47, Code of Federal Regulations; and

§ 165.804

(B) When moored, a continuous watch on the barges in the fleeting facility.

(v) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (m)(2)(i) of this subsection shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

(3) During high water when visibility is reduced to less than 200 yards:

(i) Tows may not be assembled or disassembled;

(ii) No barge may be added to, withdrawn from or moved within a fleet except:

(A) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(B) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(iii) No person in charge of a tow arriving in this regulated navigation area may moor unless the COTP is notified prior to arrival in the regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 82-020, 47 FR 35483, Aug. 16, 1982; CGD 79-026, 48 FR 35408, Aug. 4, 1983; CGD 88-075, 54 FR 14958, Apr. 14, 1989; CGD08-94-006, 59 FR 21935, Apr. 28, 1994; CGD08-94-006, 60 FR 37944, July 25, 1995]

§ 165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels—safety zone.

(a) The following is a safety zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) The area of Texas City Channel from the north end of the Turning Basin to a line drawn 000° true from the northwesternmost point of Snake Island.

(b) *Special regulations.* All vessels are prohibited from mooring, anchoring, or otherwise stopping in the safety zone, except in case of an emergency.

(c) Barges are prohibited from fleeting or grounding in the zone.

(d) In an emergency, vessels shall advise the Captain of the Port, Houston-Galveston, of the nature of the emer-

33 CFR Ch. I (7-1-10 Edition)

gency via the most rapid means available.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by USCG-2000-7223, 65 FR 40058, June 29, 2000]

§ 165.805 Security Zones; Calcasieu River and Ship Channel, Louisiana.

(a) *Location.* (1) The following areas are designated as fixed security zones (all coordinates are based upon North American Datum of 1983 [NAD 83]):

(i) *Trunkline LNG basin.* All waters encompassed by a line connecting the following points, beginning at 30°06'36" N, 93°17'36" W, south to a point 30°06'33" N, 93°17'36" W, east to a point 30°06'30" N, 93°17'02" W, north to a point 30°06'33" N, 93°17'01" W, then tracing the shoreline along the water's edge to the point of origin.

(ii) *Cameron LNG basin.* All waters encompassed by a line connecting the following points, beginning at 30°02'33" N, 093°19'53" W, east to a point at 30°02'34" N, 093°19'50" W, south to a point at 30°02'10" N, 093°19'52" W and west to a point at 30°02'10" N, 93°19'59" W, then tracing the shoreline along the water's edge to the point of origin.

(iii) *PPG Industries basin.* All waters encompassed by a line connecting the following points: Beginning at 30°13'29" N, 93°16'34" W, southwest to a point at 30°13'11" N, 93°16'51" W, then proceeding southerly following 100 feet off the shoreline to a point at 30°12'57.2" N, 93°16'53.2" W, then east to a point at 30°12'57.2" N, 93°16'50.6" W then southerly to a point at 30°12'47.7" N, 93°16'50.3" W then west to the shoreline and then following along the water's edge to the point of origin.

(2) The following areas are moving security zones: All waters within the Captain of the Port, Port Arthur zone commencing at U.S. territorial waters and extending channel edge to channel edge on the Calcasieu Channel and shoreline to shoreline on the Calcasieu River, 2 miles ahead and 1 mile astern of certain designated vessels while in transit. Meeting, crossing or overtaking situations are not permitted within the security zone unless specifically authorized by the Captain of the Port. Coast Guard patrol assets will be

Coast Guard, DHS

§ 165.807

on scene with flashing blue lights energized when the moving security zones are in effect.

(b) *Regulations.* (1) Entry into or remaining in a fixed zone described in paragraph (a)(1) of this section is prohibited for all vessels except:

(i) Commercial vessels operating at waterfront facilities within these zones;

(ii) Commercial vessels transiting directly to or from waterfront facilities within these zones;

(iii) Vessels providing direct operational or logistical support to commercial vessels within these zones;

(iv) Vessels operated by the appropriate port authority or by facilities located within these zones; and

(v) Vessels operated by federal, state, county, or municipal agencies.

(2) Entry into or remaining in moving zones described in paragraph (a)(2) of this section is prohibited for all vessels except:

(i) Moored vessels or vessels anchored in a designated anchorage area. A moored or an anchored vessel in a security zone described in paragraph (a)(2) of this section must remain moored or anchored unless it obtains permission from the Captain of the Port to do otherwise;

(ii) Commercial vessels operating at waterfront facilities located within the zone;

(iii) Vessels providing direct operational support to commercial vessels within a moving security zone;

(iv) Vessels operated by federal, state, county, or municipal agencies.

(3) Other persons or vessels requiring entry into security zones described in this section must request permission from the Captain of the Port, Port Arthur or designated representatives.

(4) To request permission as required by these regulations, contact Marine Safety Unit Lake Charles at (337) 491-7800 or the on scene patrol vessel.

(5) All persons and vessels within a security zone described in this section must comply with the instructions of the Captain of the Port, Port Arthur, designated on-scene U.S. Coast Guard patrol personnel or other designated representatives. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers

of the U.S. Coast Guard. Designated representatives include federal, state, local and municipal law enforcement agencies.

(c) *Informational broadcasts:* The Captain of the Port, Port Arthur will inform the public when moving security zones have been established around vessels via Broadcast Notices to Mariners and written notice provided by escort vessels.

[USCG-2009-0317, 75 FR 18757, Apr. 13, 2010]

§ 165.806 Sabine Neches Waterway, Texas—regulated navigation area.

(a) The following is a regulated navigation area—The Sabine Neches Waterway which includes the following waters: Sabine Pass Channel, Port Arthur Canal, Sabine Neches Canal, Neches River, Sabine River and all navigable waterways tributary thereto.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Sabine-Neches Waterway are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to insure that complete and effective control is maintained throughout the transit. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons of prudent seamanship.

[CGD8-83-09, 49 FR 35500, Sept. 10, 1984]

§ 165.807 Calcasieu River, Louisiana—regulated navigation area.

(a) The following is a regulated navigation area—The Calcasieu River from the Calcasieu jetties up to and including the Port of Lake Charles.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Calcasieu River are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to insure that complete and effective control is maintained at all times. Inbound vessels only, may shift the tow or pick up an additional

§ 165.808

tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons for prudent seamanship.

[CGD8-83-09, 49 FR 35500, Sept. 10, 1984]

§ 165.808 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.

(a) The following areas are established as safety zones during specified conditions:

(1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 500 yard radius of the LPG carrier while the vessel transits the Corpus Christi Ship Channel to the LPG receiving facility. The safety zone remains in effect until the LPG vessel is moored at the LPG receiving facility.

(2) For outgoing tank vessels loaded with LPG, the waters within a 500 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Corpus Christi Ship Channel. The safety zone remains in effect until the LPG vessel passes the seaward extremity of the Aransas Pass Jetties.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Broadcast Notice to Mariners.

[CGD 8-84-07, 50 FR 15744, Apr. 22, 1985; 50 FR 19933, May 13, 1985]

§ 165.809 Security Zones; Port of Port Lavaca-Point Comfort, Point Comfort, TX and Port of Corpus Christi Inner Harbor, Corpus Christi, TX.

(a) *Location.* The following area is designated as a security zone: all waters of the Corpus Christi Inner Harbor from the Inner Harbor Bridge (U.S. Hwy 181) to, and including the Viola Turning Basin.

(b) *Regulations.* (1) No recreational vessels, passenger vessels, or commercial fishing vessels may enter the security zone unless specifically authorized by the Captain of the Port Corpus Christi or a designated representative.

33 CFR Ch. I (7-1-10 Edition)

(2) Recreational vessels, passenger vessels and commercial fishing vessels requiring entry into the security zone must contact the Captain of the Port Corpus Christi or a designated representative. The Captain of the Port may be contacted via VHF Channel 16 or via telephone at (361) 888-3162 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, Corpus Christi or a designated representative.

(3) Designated representatives include U.S. Coast Guard commissioned, warrant, and petty officers.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP Corpus Christi-02-003, 67 FR 64046, Oct. 17, 2002, as amended by COTP Corpus Christi-04-006, 70 FR 39178, July 7, 2005]

§ 165.810 Mississippi River, LA-regulated navigation area.

(a) *Purpose and applicability.* This section prescribes rules for all vessels operating in the Lower Mississippi River below mile 233.9 above Head of Passes including South Pass and Southwest Pass, to assist in the prevention of allisions; collisions and groundings so as to ensure port safety and protect the navigable waters of the Mississippi River from environmental harm resulting from those incidents, and to enhance the safety of passenger vessels moored or anchored in the Mississippi River.

(b) Lower Mississippi River below mile 233.9 above Head of Passes including South and Southwest Passes:

(1) *Supervision.* The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Commander, Eighth Coast Guard District.

(2) *Speed; high-water precautions.* When passing another vessel (in motion, anchored, or tied up), a wharf or other structure, work under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, building partially or wholly submerged by high water, or any other structure liable to damage by collision, suction or wave action, vessels shall give as much leeway as

circumstances permit and reduce their speed sufficiently to preclude causing damages to the vessel or structure being passed. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance therewith. During high river stages, floods, or other emergencies, the District Commander may prescribe by navigation bulletins or other means the limiting speed in land miles per hour deemed necessary for the public safety for the entire section or any part of the waterways covered by this paragraph, and such limiting speed shall be strictly observed.

(3) *Towing.* Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

(c) Movement of vessels in vicinity of Algiers Point, New Orleans Harbor:

(1) *Control lights.* When the Mississippi River reaches 8 feet on the Carrollton Gage on a rising stage, and until the gage reads 9 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, but excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights are visible throughout the entire width of the river and flash once every second. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the ves-

sel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

NOTE: To provide advance information to downbound vessels whether the control light at Gretna (Gretna Light) is red or green, a traffic light is located at Westwego on the right descending bank, on the river batture at the end of Avenue B, approximately 101.4 miles above Head of Passes.

(2) *Ascending vessels.* Ascending vessels shall not proceed farther up the river than a line connecting the upper end of Atlantic Street Discharge Light (on right descending bank) with the lower end of Desire Street Wharf (on left descending bank) when a red light is displayed. Vessels waiting for a change of signal shall keep clear of descending vessels.

(3) *Descending vessels.* (i) Descending vessels shall not proceed farther down the river than a line connecting the lower end of Julia Street Wharf (on left descending bank) with the vertical flagpole at Eastern Associated Terminals (on right descending bank) when a red light is displayed. Vessels shall round to and be headed upstream before they reach that line, if the signal remains against the vessel. Vessels waiting for a change of signal shall keep clear of ascending vessels.

(ii) Vessels destined to a wharf above the lower end of Julia Street Wharf shall signal the Gretna towerman three long blasts and one short blast of a whistle or horn to indicate that the vessel is not bound below the Julia Street Wharf.

(iii) The master, pilot, or authorized representative of any vessel scheduled to depart from a wharf between Governor Nicholls Light and Louisiana Avenue, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Light towerman by telephone to determine whether the channel at Algiers Point is clear before departure. When the point is clear, vessels shall then proceed promptly so that other traffic will not be unnecessarily delayed.

NOTE: Telephone numbers of both signal towers will be published in navigation bulletins in advance of each operating period.

(4) *Minor changes.* The District Commander is authorized to waive operation or suspension of the lights whenever prospective river stages make it appear that the operation or suspension will be required for only a brief period of time or when river stages will rise or fall below the critical stage which is established for operation or suspension by only a few tenths on the Carrollton Gage.

(5) *Underpowered vessels.* When the Carrollton Gage reads 12 feet or higher, any vessel which is considered by the master or pilot as being underpowered or a poor handler shall not navigate around Algiers Point without the assistance of a tug or tugs.

(6) *Towing.* When the Carrollton Gage reads 12 feet or higher, towing on a hawser in a downstream direction between Julia Street and Desire Street is prohibited except by special permission of the District Commander.

(d) Navigation of South and Southwest Passes.

(1) No vessel, except small craft and towboats and tugs without tows, shall enter either South Pass or Southwest Pass from the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

(2) No vessel having a speed of less than ten mph shall enter South Pass from the Gulf when the stage of the Mississippi River exceeds 15 feet on the Carrollton Gage at New Orleans. This paragraph does not apply when Southwest Pass is closed to navigation.

(3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light.

(4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Franks Crossing Light shall have passed through into the river.

(5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during daylight hours no tow shall consist of more than two towed vessels other than small craft. Tows may be in any formation. When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

(e) Watch requirements for anchored and moored passenger vessels.

(1) *Passenger vessels.* Except as provided in paragraph (e)(2) of this section, each passenger vessel with one or more passengers on board, must—

(i) Keep a continuously manned pilot-house; and

(ii) Monitor river activities and marine VHF, emergency and working frequencies of the port, so as to be immediately available to take necessary action to protect the vessel, crew, and passengers if an emergency radio broadcast, danger signal, or visual or other indication of a problem is received or detected.

(2) Each ferryboat, and each small passenger vessel to which 46 CFR 175.110 applies, may monitor river activities using a portable radio from a vantage point other than the pilot-house.

(f) Each self-propelled vessel of 1,600 or more gross tons subject to 33 CFR part 164 shall also comply with the following:

(1) While under way in the RNA, each vessel must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual-control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the machinery-control spaces and must consist of at least an appropriately licensed or credentialed engineer officer.

(2) Before embarking a pilot when entering or getting under way in the RNA, the master of each vessel shall

ensure that the vessel is in compliance with 33 CFR part 164.

(3) The master shall ensure that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is under way within the RNA:

(i) The main propulsion plant is in all respects ready for operations including the main-propulsion air-start systems, fuel systems, lubricating systems, cooling systems, and automation systems;

(ii) Cooling, lubricating, and fuel-oil systems are at proper operating temperatures;

(iii) Main propulsion machinery is available to immediately respond to the full range of maneuvering commands any load-limiting programs or automatic acceleration-limiting programs that would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery are capable of being overridden immediately.

(iv) Main-propulsion standby systems are ready to be immediately placed in service.

(g) *Movement of vessels in the vicinity of Eighty-One Mile Point, Geary LA mm 167.5–187.9 LMR.* (1) Prior to proceeding upriver past MM 167.5, LMR, Sunshine Bridge, vessels shall contact Vessel Traffic Center (VTC) New Orleans on VHF Channel 63A to check-in. Vessels must provide name, destination, confirm proper operation of their automated identification system (AIS) if required under 33 CFR 164.46 and, if applicable, size of tow and number of loaded and empty barges. At MM 173.7, LMR, Bringier Point Light, ascending vessels shall contact VTC New Orleans and provide a follow-on position check. At both check-in and follow-on position check, VTC New Orleans will advise the vessel on traffic approaching Eighty-One Mile Point.

(2) Prior to proceeding downriver past MM 187.9, LMR, COS-MAR Lights, vessels shall contact Vessel Traffic Center (VTC) New Orleans on VHF Channel 63A to check-in. Vessels must provide name, destination, confirm proper operation of their automated identification system (AIS) if required under 33 CFR 164.46 and, if applicable, size of tow and number of loaded and empty barges. At MM 183.9 LMR, Wy-

andotte Chemical Dock Lights, descending vessels shall contact VTC New Orleans and provide a follow-on position check. At both check-in and follow-on position check VTC New Orleans will advise the vessel on traffic approaching Eighty-One Mile Point.

(3) All vessels getting underway between miles 167.5 and 187.9 must check-in with VTC New Orleans on VHF Channel 63A immediately prior to getting underway and must comply with the respective ascending and descending check-in and follow-on points listed in paragraphs (g)(1) and (g)(2) above.

(4) Fleet vessels must check-in with VTC New Orleans if they leave their respective fleet or if they move into the main channel. Fleet vessels are not required to check-in if they are operating exclusively within their fleet.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1223); 49 CFR 1.46(n)(4))

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 78-080, 44 FR 47933, Aug. 16, 1979; CGD 86-049, 51 FR 27840, Aug. 4, 1986. Redesignated by CGD 90-020, 59 FR 36324, July 15, 1994; CGD 95-033, 60 FR 28333, May 31, 1995; CCGD08-97-020, 62 FR 58653, Oct. 30, 1997; 64 FR 18813, Apr. 16, 1999; CGD08-07-007, 72 FR 41625, July 31, 2007; USCG-2006-24371, 74 FR 11213, Mar. 16, 2009]

§ 165.811 Atchafalaya River, Berwick Bay, LA-regulated navigation area.

(a) The following is a regulated navigation area: the waters of the Atchafalaya River in Berwick Bay bounded on the northside from 2,000 yards north of the U.S. 90 Highway Bridge and on the southside from 4,000 yards south of the Southern Pacific Railroad (SPRR) Bridge.

(b) Within the regulated navigation area described in paragraph (a) of this section, §161.40 of this chapter establishes a VTS Special Area for waters within a 1000 yard radius of the SPRR Bridge.

(c) When the Morgan City River gauge reads 3.0 feet or above mean sea level, in addition to the requirements set forth in §161.13 of this chapter, the requirements of paragraph (d) and (e) of this section apply to a towing vessel which will navigate:

(1) under the lift span of the SPRR Bridge; or

§ 165.812

33 CFR Ch. I (7–1–10 Edition)

(2) through the navigational opening of the U.S. 90 Highway Bridge; or

(3) through the navigational opening of the Highway 182 Bridge.

(d) *Towing requirements.* (1) Towing on a hawser is not authorized, except that one self-propelled vessel may tow one other vessel without barges upbound;

(2) A towing vessel and barges must be arranged in tandem, except that one vessel may tow one other vessel alongside;

(3) Length of tow must not exceed 1,180 feet; and

(4) Tows with a box end in the lead must not exceed 400 feet in length.

NOTE: The variation in the draft and the beam of the barges in a multi-barge tow should be minimized in order to avoid unnecessary strain on coupling wires.

(e) *Horsepower Requirement.* (1) The following requirements apply to a towing vessel of 3,000 hp or less:

TABLE 165.811(e)—MINIMUM AVAILABLE HORSEPOWER REQUIREMENT

[The greater value listed.]

Direction of tow	Daytime (sunrise to sunset)	Nighttime (sunset to sunrise)
Upbound	400hp or (Length of tow—300ft) × 3.	600hp or (Length of tow—200ft) × 3.
Downbound	600hp or (Length of tow—200ft) × 3.	600hp or (Length of tow) × 3.

NOTE: A 5% variance from the available horsepower is authorized.

(2) All tows carrying cargoes of particular hazard as defined in §160.203 of this chapter must have available horsepower of at least 600 hp or three times the length of tow, whichever is greater.

(f) *Notice of Requirements.* Notice that these rules are anticipated to be put into effect, or are in effect, will be given by:

(1) Marine information broadcasts;

(2) Notices to mariners;

(3) Vessel Traffic Center advisories or upon vessel information request; and

[CGD 90–020, 59 FR 36334, July 15, 1994, as amended by CGD 95–033, 60 FR 28333, May 31, 1995; CGD08–06–023, 72 FR 27741, May 17, 2007]

§ 165.812 Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA.

(a) *Location.* Within the Lower Mississippi River and Southwest Pass, moving security zones are established around all cruise ships between the Southwest Pass Entrance Lighted Buoy “SW”, at approximate position 28°52′42″ N, 89°25′54″ W [NAD 83] and Lower Mississippi River mile marker 96.0 in New Orleans, Louisiana. These moving security zones encompass all waters within 500 yards of a cruise ship. These zones remain in effect during the entire transit of the vessel and continue while the cruise ship is moored or anchored.

(b) *Regulations.* (1) Entry of persons and vessels into these zones is prohibited unless authorized as follows.

(i) Vessels may enter within 500 yards but not closer than 100 feet of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(ii) No person or vessel may enter within 100 feet of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port New Orleans or his designated representative.

(iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 feet of a cruise ship while it is in transit.

(2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow to the minimum speed necessary to maintain a safe course must request express permission to proceed from the Captain of the Port New Orleans or his designated representative.

(3) For the purpose of this rule the term “cruise ship” is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(4) The Captain of the Port New Orleans will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

Coast Guard, DHS

§ 165.814

(5) To request permission as required by these regulations contact “New Orleans Traffic” via VHF Channels 13/67 or via phone at (504) 589-2780 or (504) 589-6261.

(6) All persons and vessels within the moving security zones shall comply with the instructions of the Captain of the Port New Orleans and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP New Orleans-02-005, 67 FR 61989, Oct. 3, 2002]

§ 165.813 Security Zones; Ports of Houston and Galveston, TX.

(a) *Location.* Within the Ports of Houston and Galveston, Texas, moving security zones are established encompassing all waters within 500 yards of a cruise ship between Galveston Bay Approach Lighted Buoy “GB”, at approximate position 29°21’18” N, 94°37’36” W [NAD 83] and up to, and including, Barbours Cut. These zones remain in effect during the inbound and outbound entire transit of the cruise ship and continues while the cruise ship is moored or anchored.

(b) *Regulations.* (1) Entry of vessels or persons into these zones is prohibited unless authorized as follows.

(i) Vessels may enter within 500 yards but not closer than 100 yards of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(ii) No person or vessel may enter within 100 yards of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port Houston-Galveston. Where the Houston Ship Channel narrows to 400 feet or less between Houston Ship Channel Entrance Lighted Bell Buoy “18”, light list no. 34385 at approximately 29°21’06” N, 94°47’00” W [NAD 83] and Barbours Cut, the Captain of the Port Houston-Galveston may permit vessels that must transit the navigable channel between these points to enter within 100 yards of a cruise ship.

(iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 yards of a cruise ship while it is in transit.

(2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow to the minimum speed necessary to maintain a safe course must request express permission to proceed from the Captain of the Port Houston-Galveston, or his designated representative.

(3) For the purpose of this section the term “cruise ship” is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(4) The Captain of the Port Houston-Galveston will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

(5) To request permission as required by these regulations contact “Houston Traffic” via VHF Channels 11/12 or via phone at (713) 671-5103.

(6) All persons and vessels within the moving security zone shall comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP Houston-Galveston-02-010, 67 FR 64048, Oct. 17, 2002]

§ 165.814 Security Zones; Captain of the Port Houston-Galveston Zone.

(a) *Location.* The following areas are designated as security zones:

(1) *Houston, Texas.* The Houston Ship Channel and all associated turning basins, bounded by a line drawn between Houston Ship Channel Light 132 (LLNR-24445) and Houston Ship Channel Light 133 (LLNR-24450) west to the T & N Rail Road Swing Bridge at the entrance to Buffalo Bayou, including all waters adjacent to the ship channel

from shoreline to shoreline and the first 200 yards of connecting waterways.

(2) *Morgan's Point, Texas.* The Barbour's Cut Ship Channel and Turning Basin containing all waters west of a line drawn between Junction Light "Barbour's Cut" 29°41'12" N, 94°59'12" W (LLNR-23525), and Houston Ship Channel Light 91, 29°41'00" N, 94°59'00" W (LLNR-23375) (NAD 1983).

(3) *Bayport, TX.* The Port of Bayport, Bayport Ship Channel and Bayport Turning Basin containing all waters south of latitude 28°36'45" N and west of Bayport Ship Channel Light 9 (LLNR-23295) (NAD 1983).

(4) *Texas City, Texas.* The Port of Texas City Channel, Turning Basin and Industrial Canal containing all waters bounded by the area south and west of a line drawn from Texas City Channel Light 19 (LLNR 24810) through Cut B Inner Range Front Light (LLNR 24765) and terminating on land in position 29°23'16" N, 94°53'15" W (NAD 1983).

(5) *Freeport, Texas.* (i) The Dow Barge Canal, containing all waters of the Dow Barge Canal north of a line drawn between 28°56.81' N/095°18.33' W and 28°56.63' N/095°18.54' W (NAD 1983).

(ii) The Brazos Harbor, containing all waters west of a line drawn between 28°56.45' N, 095°20.00' W, and 28°56.15' N, 095°20.00' W (NAD 1983) at its junction with the Old Brazos River.

(iii) The Dow Chemical plant, containing all waters of the Brazos Point Turning Basin within 100' of the north shore and bounded on the east by the longitude line drawn through 28°56.58' N/095°18.64' W and on the west by the longitude line drawn through 28°56.64' N/095°19.13' W (NAD 1983).

(iv) The Seaway Teppco Facility, containing all waters of the Brazos Port Turning Basin bounded on the south by the shore, the north by the Federal Channel, on the east by the longitude line running through 28°56.44' N, 095°18.83' W and 28°56.48' N 095°18.83' W and on the West by the longitude line running through 28°56.12' N, 095°19.27' W and 28°56.11' N, 095°19.34' W (NAD 1983).

(v) The Conoco Phillips Facility docks, containing all waters within 100' of a line drawn from a point on shore at Latitude 28°55.96' N, Longitude

095°19.77' W, extending west to a point on shore at Latitude 28°56.19' N, Longitude 095°20.07' W (NAD 1983).

(vi) The Freeport LNG Basin containing all waters shoreward of a line drawn between the eastern point at latitude 28°56'25" N, 095°18'13" W, and the western point at 28°56'28" N, 095°18'31" W, east towards the jetties.

(b) *Regulations.* (1) Entry of into these zones is prohibited except for the following:

(i) Commercial vessels operating at waterfront facilities within these zones;

(ii) Commercial vessels transiting directly to or from waterfront facilities within these zones;

(iii) Vessels providing direct operational/logistic support to commercial vessels within these zones;

(iv) Vessels operated by the appropriate port authority or by facilities located within these zones; and

(v) Vessels operated by federal, state, county, or municipal agencies.

(2) Other persons or vessels requiring entry into a zone described in this section must request express permission to enter from the Captain of the Port Houston-Galveston, or designated representative. The Captain of the Port Houston-Galveston's designated representatives are any personnel granted authority by the Captain of the Port Houston-Galveston to receive, evaluate, and issue written security zone entry permits, or the designated on-scene U.S. Coast Guard patrol personnel described in paragraph (b)(4).

(3) To request permission as required by these regulations contact "Houston Traffic" via VHF Channels 11/12 or by phone at (713) 671-5103.

(4) All persons and vessels shall comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

[COTP Houston-Galveston-02-009, 67 FR 23593, May 5, 2003, as amended by USCG-2009-0501, 75 FR 8493, Feb. 25, 2010; USCG-2008-0124, 75 FR 11002, Mar. 10, 2010]

§ 165.815 Ohio River at Louisville, KY; regulated navigation area.

(a) The following is a regulated navigation area: The waters of the Ohio River from the Clark Memorial (Highway) Bridge at Mile 603.5, downstream to McAlpine Dam at Mile 604.4.

(b) The general regulations governing regulated navigation area contained in 33 CFR part 165, subpart B apply.

(c) No pleasure or fishing craft shall be operated within the regulated navigation area at any time without prior permission of the Captain of the Port, Louisville, Kentucky, except in case of emergency and except for passage through McAlpine Lock.

[CGD 2-89-04, 55 FR 23203, June 7, 1990. Redesignated by CGD 96-026, 61 FR 33669, June 28, 1996]

§ 165.817 Arkansas River, Mile 118.2 to 125.4, Little Rock Arkansas—regulated navigation area.

(a) Location. The following is a regulated navigation area (RNA): The waters of the Arkansas River between mile 118.2 and mile 125.4.

(b) Regulations. Transit of the RNA is limited during periods of high velocity flow, defined as the flow rate of 70,000 cubic feet per second or more at the Murray Lock and Dam at mile 125.4. The flow rate at this location is calculated by the U.S. Army Corps of Engineers on a regular and routine basis. This information will be distributed by announcements by Coast Guard Marine Information Broadcasts, publication in Coast Guard Local Notice to Mariners, and telephone or radio contact with the Lockmaster at Murray Lock and Dam.

(c) Transit of the RNA during periods of high velocity flow may only occur under the following conditions:

(1) Vessels may not meet or pass in the RNA.

(2) No vessel shall anchor, stop, remain or drift without power at any time in the RNA.

(3) All vessels shall continually monitor VHF-FM channel 13 on their radio-telephone while in or approaching the RNA.

(4) Prior to entering the RNA, downbound vessels shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated time of

departure from Murray Lock and Dam or from the mooring cells at mile 121.5 to ensure there are no upbound vessels within the RNA. If there is upbound traffic within the RNA, the downbound vessel shall not depart until the upbound vessel has passed through the RNA. After departing, vessels will proceed through the RNA, including all drawbridges located therein, without delay.

(5) When upbound vessels reach mile 116, they shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated arrival time at the Rock Island Railroad Bridge at mile 118.2.

(6) When a downbound vessel is already in the RNA, an upbound vessel shall adjust its speed so as to avoid a meeting situation in the RNA.

(d) Refer to 33 CFR 117.123 for drawbridge operation regulations.

[CGD2-90-04, 57 FR 22176, May 27, 1992. Redesignated by CGD 96-026, 61 FR 33669, June 28, 1996]

§ 165.818 Moving Security Zones, for certain vessels in Freeport Entrance Channel, Freeport, Texas.

(a) Location. The following areas are security zones: All waters within the Captain of the Port Houston-Galveston Zone commencing at U.S. territorial waters through the Freeport Entrance Channel, from surface to bottom, one thousand (1000) yards ahead and astern and five hundred (500) yards on each side of any vessel that has a moving security zone established around it.

(b) Regulations. Entry into or remaining in the zones described in paragraph (a) of this section is prohibited unless authorized as follows:

(1) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain moored or anchored if they come within a security zone described in paragraph (a) of this section. A moored or an anchored vessel in a security zone must remain moored or anchored unless it obtains permission from the Captain of the Port to do otherwise.

(2) Commercial vessels operating at the waterfront facilities within these zones.

§ 165.820

33 CFR Ch. I (7–1–10 Edition)

(3) Commercial vessel transiting directly to or from waterfront facilities within these zones.

(4) Vessels providing direct operational/logistic support to commercial vessels within these zones.

(5) Vessels operated by the port authority or by facilities located within these zones.

(6) Vessels operated by Federal, State, county, or municipal agencies.

(7) All persons and vessels within the moving security zone must comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(8) To request permission as required by these regulations, contact the Sector Houston-Galveston Command Center by telephone at (713) 671-5113. In Freeport, vessels should contact the Captain of the Port's designated on-scene representative for the moving security zone on VHF Channel 16, or by telephone at (979) 233-7551.

(c) *Certain vessel definition.* For the purposes of this section, certain vessel means any vessel within the 12 nautical mile U.S. Territorial Waters and bound for the Port of Freeport that is deemed to be in need of a moving security zone by the Captain of the Port, Houston-Galveston for security reasons. In making this determination, the Captain of the Port considers all relevant security factors, including but not limited to the presence of unusually harmful or hazardous substances and the risk to population or infrastructure.

(d) *Informational broadcasts.* The Captain of the Port Houston-Galveston will inform the public when moving security zones have been established around certain vessels via Broadcast Notice to Mariners on VHF channel 16 and 13. Vessels that have a moving security zone in place around them will display the international signal flag or pennant number five.

(e) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[USCG-2008-0125, 75 FR 8490, Feb. 25, 2010]

§ 165.820 Security Zone; Ohio River Mile, 34.6 to 35.1, Shippingport, Pennsylvania.

(a) *Location.* The following area is a security zone: The waters of the Ohio River, extending 200 feet from the shoreline of the left descending bank beginning from mile marker 34.6 and ending at mile marker 35.1.

(b) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Pittsburgh.

(2) Persons and vessels desiring to transit the area of the security zone may contact the Captain of the Port Pittsburgh at telephone number 412-644-5808 or on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Pittsburgh or his designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP Pittsburgh-02-005, 67 FR 40163, June 12, 2002]

§ 165.821 Ohio River at Cincinnati, OH; regulated navigation area.

(a) *Location.* The following is a regulated navigation area (RNA)—The waters of the Ohio River between mile 466.0 and mile 473.0.

(b) *Activation.* The restrictions in paragraphs (c) (1) through (4) are in effect from one-half hour before sunset to one-half hour after sunrise when the Cincinnati, Ohio, Ohio River Gauge is at or above the 45 foot level. The Captain of the Port, Louisville, Kentucky will publish a notice in the Local Notice to Mariners and will make announcements by Coast Guard Marine Information Broadcasts whenever the river level measured at the gauge activates or terminates the navigation restrictions in this section.

(c) *Regulations.* (1) Transit through the RNA by all downbound vessels towing cargoes regulated by Title 46 Code of Federal Regulations Subchapters D and O with a tow length exceeding 600 feet excluding the tow boat is prohibited.

(2) No vessel shall loiter, anchor, stop, remain or drift without power at

any time within the navigation channel of the RNA.

(3) All commercial vessels shall continually monitor VHF-FM channel 13 on their radiotelephone while in or approaching the RNA.

(4) Between Ohio River miles 464.0 and 466.0, downbound vessels shall make a broadcast in the blind, on VHF-FM channel 13 announcing their estimated time of entering the RNA.

[CGD02-95-003, 61 FR 2417, Jan. 26, 1996. Redesignated by CGD 97-023, 62 FR 33365, June 19, 1997, as amended by USCG-1998-3799, 63 FR 35533, June 30, 1998]

§ 165.825 Security Zones; Captain of the Port St. Louis, Missouri.

(a) *Location.* The following areas are security zones:

(1) *Fort Calhoun Nuclear Power Station Security Zone, Fort Calhoun, Nebraska*—all waters of the Missouri River, extending 75 feet from the shoreline of the right descending bank beginning from mile marker 645.6 and ending at mile marker 646.0.

(2) *Cooper Nuclear Station Security Zone, Brownville, Nebraska*—all waters of the Missouri River, extending 250 feet from the shoreline of the right descending bank beginning from mile marker 532.5 and ending at mile marker 532.9.

(3) *Quad Cities Generating Station Security Zone, Cordova, Illinois*—all waters of the Upper Mississippi River, extending 300 feet from the shoreline of the left descending bank beginning from mile marker 506.3 and ending at mile marker 507.3.

(4) *Prairie Island Nuclear Generating Facility Security Zone, Welch, Minnesota*—all waters of the Upper Mississippi River, extending 300 feet from the shoreline of the right descending bank beginning from mile marker 798.0 and ending at 798.3.

(5) *Clinton Power Station Security Zone, Clinton, Illinois*—all waters of Lake Clinton in Dewitt County in East Central Illinois bounded by a dam constructed near the confluence of Salt Creek River mile 56 and the north fork of Salt Creek. The zone extends out 600 feet from shore. Boundaries of the zone begin at 40°10'30" N, 88°50'30" W; thence east to 40°10'30" N, 88°49'55" W; thence south to 40°10'15" N, 88°49'55" W; thence

west to 40°10'15" N, 88°50'30" W; thence returning north to the origin. These coordinates are based upon [NAD 83].

(b) *Regulations.* (1) Entry into these security zones is prohibited unless authorized by the Coast Guard Captain of the Port, St. Louis or designated representative.

(2) The Ft. Calhoun and Cooper security zones include a portion of the navigable channel of the Missouri River. All vessels that may safely navigate outside of the channel are prohibited from entering the security zone without the express permission of the Captain of the Port St. Louis or designated representative. Vessels that are required to use the channel for safe navigation are authorized entry into the zone but must remain within the channel unless expressly authorized by the Captain of the Port St. Louis or designated representative.

(3) Persons or vessels requiring the Captain of the Port St. Louis' permission to enter the security zones must contact the Coast Guard Sector Upper Mississippi River at telephone number 319 524-7511 or on VHF marine channel 16 or Marine Safety Detachment Quad Cities at telephone number 309 782-0627 or the Captain of the Port, St. Louis at telephone number 314 539-3091, ext. 3500 in order to seek permission to enter the security zones. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, St. Louis or designated representative.

(4) Designated representatives are commissioned, warrant, and petty officers of the U.S. Coast Guard.

(c) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

[COTP St. Louis-02-005, 67 FR 64043, Oct. 17, 2002]

§ 165.830 Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District.

(a) *Regulated Navigation Area.* The following waters are a regulated navigation area (RNA): the Mississippi River above mile 235.0, Above Head of Passes, including all its tributaries; the

Atchafalaya River above mile 55.0, including the Red River; the Ohio River and all its tributaries; and the Tennessee River from its confluence with the Ohio River to mile zero on the Mobile River and all other tributaries between these two rivers.

(b) *Applicability.* This section applies to towing vessel operators and fleeting area managers responsible for CDC barges in the RNA. This section does not apply to:

(1) Towing vessel operators responsible for barges not carrying CDCs barges, or

(2) Fleet tow boats moving one or more CDC barges within a fleeting area.

(c) *Definitions.* As used in this section—

Barge means a non-self propelled vessel engaged in commerce, as set out in 33 CFR 160.204.

Certain Dangerous Cargo or (CDC) includes any of the following:

(1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(2) Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(3) Division 2.3 “poisonous gas”, as listed in 49 CFR 172.101 that is also a “material poisonous by inhalation” as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per barge.

(4) Division 5.1 oxidizing materials for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(5) A liquid material that has a primary or subsidiary classification of Division 6.1 “poisonous material” as listed in 49 CFR 172.101 that is also a “material poisonous by inhalation”, as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per barge when not in a bulk packaging.

(6) Class 7, “highway route controlled quantity” radioactive material or “fissile material, controlled shipment”, as defined in 49 CFR 173.403.

(7) Bulk liquefied chlorine gas and bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

(8) The following bulk liquids—

- (i) Acetone cyanohydrin,
- (ii) Allyl alcohol,
- (iii) Chlorosulfonic acid,
- (iv) Crotonaldehyde,
- (v) Ethylene chlorohydrin,
- (vi) Ethylene dibromide,
- (vii) Methacrylonitrile,
- (viii) Oleum (fuming sulfuric acid),

and

- (ix) Propylene oxide.

CDC barge means a barge containing CDCs or CDC residue.

Downbound means the tow is traveling with the current.

Eighth Coast Guard District means the Coast Guard District as set out in 33 CFR 3.40–1.

Fleeting area means any fleet, including any facility, located within the area covered by one single port.

Fleet tow boat means any size vessel that is used to move, transport, or deliver a CDC barge within a fleeting area.

Inland River Vessel Movement Center or (IRVMC) means the Coast Guard office that is responsible for collecting the information required by this section.

Towing vessel means any size vessel that is used to move, transport, or deliver a CDC barge to a fleet or facility that is located in a different port than where the voyage originated.

Towing vessel operator means the Captain or pilot who is on watch on board a towing vessel.

Upbound means the tow is traveling against the current.

(d) *Regulations.* The following must report to the Inland River Vessel Movement Center (IRVMC):

(1) The towing vessel operator responsible for one or more CDC barges in the RNA must report all the information items specified in table 165.830(f), in paragraph (f) of this section, to the IRVMC:

(i) Upon point of entry into the RNA with one or more CDC barges;

(ii) Four hours before originating a voyage within the RNA with one or more CDC barges, except if the evolution of making up a tow with a CDC

Coast Guard, DHS

§ 165.830

barge will take less than four hours before originating a voyage, and the towing vessel operator did not receive the order to make up a tow with a CDC barge in advance of four hours before originating the voyage with one or more CDC barges, in which case the towing vessel operator shall submit the required report to the IRVMC as soon as possible after receiving orders to make up a tow with one or more CDC barges;

(iii) Upon dropping off one or more CDC barges at a fleeting area or facility;

(iv) Upon picking up one or more additional CDC barges from a fleeting area or facility;

(v) At designated reporting points, set forth in paragraph (e) of this section;

(vi) When the estimated time of arrival (ETA) to a reporting point varies by 6 hours from the previously reported ETA;

(vii) Any significant deviation from previously reported information;

(viii) Upon departing the RNA with one or more CDC barges; and

(ix) When directed by the IRVMC.

(2) The fleeting area manager responsible for one or more CDC barges in the RNA must report all the information items specified in table 165.830(g), in paragraph (g) of this section, to the IRVMC:

(i) Once daily, report all CDC barges within the fleeting area;

(ii) Upon moving one or more CDC barges within a fleeting area by a fleet tow boat;

(iii) Any significant deviation from previously reported information; and

(iv) When directed by the IRVMC.

(3) Reports required by this section may be made by a company representative or dispatcher on behalf of the fleeting area manager.

(4) Reports required by this section must be made to the IRVMC either by telephone to (866) 442-6089, by fax to (866) 442-6107, or by e-mail to irvmc@cgstl.uscg.mil. A reporting form and e-mail link are available at <http://www.uscg.mil/d8/Divs/M/IRVMC.htm>.

(5) The general regulations contained in 33 CFR 165.13 apply to this section.

(e) *Eighth Coast Guard District Inland River RNA Reporting points.* Towing ves-

sel operators responsible for one or more CDC barges in the RNA must make reports to the IRVMC at each point listed in this paragraph (e):

(1) Lower Mississippi River (LMR), between Mile Markers (M):

(i) M 235.0-240.0 (Entering & Exiting RNA)

(ii) M 338.0-343.0

(iii) M 430.0-435.0

(iv) M 520.0-525.0

(v) M 621.0-626.0

(vi) M 695.0-700.0

(vii) M 772.0-777.0

(viii) M 859.0-864.0

(ix) M 945.0-950.0

(2) Upper Mississippi River (UMR), between Mile Markers (M) and Departing Lock & Dam (L&D), unless otherwise indicated:

(i) L&D 3

(ii) L&D 4

(iii) L&D 8

(iv) L&D 11

(v) L&D 14

(vi) L&D 18

(vii) L&D 21

(viii) L&D 25

(ix) Arriving Melvin Price L&D (downbound)

(x) Departing Melvin Price L&D (upbound)

(xi) M 150.0-145.0

(xii) M 66.0-61.0

(3) Missouri River (MOR), between Mile Markers (M):

(i) M 54.0-56.0

(ii) M 115.0-117.0

(iii) M 208.0-210.0

(iv) M 326.0-328.0

(v) M 397.0-399.0

(vi) M 487.0-489.0

(vii) M 572.0-574.0

(viii) M 652.0-654.0

(ix) M 745.0-750.0

(4) Illinois River (ILR), at Mile Marker (M) and Lock & Dam (L&D), as indicated:

(i) M 0.0

(ii) Departing New LaGrange L&D

(iii) M 140.0

(iv) M 187.2 (Entering & Exiting RNA)

(5) Ohio River, between Mile Markers (M) and at Lock & Dam (L&D), as indicated:

(i) M 950.0-952.0

(ii) Arriving Smithland L&D

(iii) M 826.0-828.0

(iv) M 748.0-750.0

(v) M 673.0-675.0

(vi) M 628.0-630.0

(vii) M 556.0-559.0

(viii) M 511.0-513.0

(ix) Departing Capt Anthony Meldahl L&D

(x) Arriving Greenup L&D (upbound)

(xi) Departing Greenup L&D (downbound)

(xii) Departing Robert C. Byrd L&D (upbound)

(xiii) Arriving Robert C. Bryd L&D (downbound)

(xiv) Departing Belleville L&D

§ 165.830

33 CFR Ch. I (7–1–10 Edition)

- (xv) Departing Hannibal L&D
- (xvi) Departing Montgomery L&D
- (6) Allegheny River at Lock & Dam (L&D), as indicated:
 - (i) Departing L&D 4 (upbound)
 - (ii) Arriving L&D 4 (downbound)
- (7) Monongahela River Departing Lock & Dam (L&D):
 - (i) Grays Landing L&D
 - (ii) L&D 3
- (8) Kanawha River, at Lock & Dam (L&D), as indicated:
 - (i) Arriving Winfield L&D (upbound)
 - (ii) Departing Winfield L&D (downbound)
- (9) Cumberland River, between Mile Markers (M) and Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) Departing Old Hickory L&D (upbound)
 - (ii) Arriving Old Hickory L&D (downbound)
 - (iii) M 127.0–129.0
 - (iv) Barkley L&D
- (10) Tennessee River, between Mile Markers (M) and when Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) Fort Loudon L&D
 - (ii) Watts Bar L&D
 - (iii) Departing Chickamauga L&D (upbound)
 - (iv) Arriving Chickamauga L&D (downbound)
 - (v) Nickajack L&D
 - (vi) Gunterville L&D
 - (vii) General Joe Wheeler L&D
 - (viii) Pickwick Landing L&D
 - (ix) M 122.0–124.0
 - (x) Kentucky L&D
- (11) Tennessee-Tombigbee River, between Mile Markers (M) and when Departing Lock & Dam (L&D):
 - (i) Lock D
 - (ii) Aberdeen L&D
 - (iii) Aliceville L&D
 - (iv) M 202.0–203.0
 - (v) Coffeeville L&D
- (12) Mobile River, at Mile Marker (M):
 - (i) 0.0 (Entering & Exiting RNA)
 - (ii) [Reserved]
- (13) Black Warrior River, when Departing L&D:
 - (i) Holt L&D
 - (ii) [Reserved]
- (14) Alabama River, when Departing L&D:
 - (i) Claiborne L&D
 - (ii) Henry L&D
- (15) McClellan-Kerr Arkansas River Navigation System, when Departing Lock & Dam (L&D), unless otherwise indicated:
 - (i) Chouteau L&D
 - (ii) W.D. Mayo L&D
 - (iii) Ozark-Jeta Taylor L&D
 - (iv) L&D 9
 - (v) Arriving David D. Terry L&D (upbound)
 - (vi) Departing David D. Terry L&D (downbound)
 - (vii) L&D 2
- (16) Red River, between Mile Markers (M) and when Departing Lock & Dam (L&D):
 - (i) L.C. Boggs L&D
 - (ii) Lock 3
 - (iii) M 178.0–180.0
- (17) Atchafalaya River, at Mile Marker (M):
 - (i) 55.0 (Entering & Exiting RNA)
 - (ii) [Reserved]
 - (f) *Information to be reported to the IRVMC by towing vessel operators.* With the exception noted in paragraph (d)(1)(ii) of this section, towing vessel operators responsible for one or more CDC barges in the RNA must report all the information required by this section as set out in table 165.830(f) of this paragraph.

TABLE 165.830(F)—INFORMATION TO BE REPORTED TO THE IRVMC BY TOWING VESSEL OPERATORS

	24-hour contact number	Name of vessel moving barge(s)	Barge(s) name and official number	Type, name and amount of CDC on-board	Estimated time of departure from fleet area or facility	Name and location of CDC barge (fleet area or facility), including estimated time of arrival	Reporting point	Estimated time of arrival (ETA) to next reporting point (if applicable)
(1) Upon point of entry into the RNA with a CDC barge	X	X	X	X	.....	X	X	X
(2) 4 hours before to originating a voyage within the RNA with one or more CDC barges; but see exception in paragraph (d)(1)(ii) of this section	X	X	X	X	X	X	.....	X
(3) Upon dropping off one or more CDC barges at a fleet area or facility	.....	X	X	.....	.....	.....	.....	.....
(4) Upon picking up one or more additional CDC barges from a fleet area or facility	.....	X	X	X	.....	.....	.....	.....
(5) At designated reporting points in table 165.830(e) .....	.....	X	X	(¹)	.....	(¹)	X	X
(6) When ETA to a reporting point varies by 6 hours from previously reported ETA .....	.....	X	(¹)	(¹)	.....	.....	.....	X
(7) Any significant deviation from previously reported information (all that apply)	X	X	X	X	X	X	X	X
(8) Upon departing the RNA with a CDC barge(s) .....	.....	X	X	.....	.....	.....	X	.....
(9) When directed by the IRVMC	X	X	X	X	X	X	X	X

¹ If changed.

§ 165.835

33 CFR Ch. I (7–1–10 Edition)

(g) *Information to be reported to the IRVMC by fleeting area managers.* Fleeting area managers responsible for one or more CDC barges in the RNA must

report the information required by this section as set out in table 165.830(g) of this paragraph.

TABLE 165.830(g)—INFORMATION TO BE REPORTED TO THE IRVMC BY FLEETING AREA MANAGERS

	24-hour contact number	Barge(s) name and official number	Type, name and amount of CDC onboard	Location of CDC barge (fleeting area or facility)
(1) Once daily, all CDC barges in a fleeting area	X	X	X	X
(2) Upon moving one or more CDC barges within a fleeting area by a fleet tow boat .....	.....	X	X	X
(3) Any significant deviation from previously reported information (all that apply)	X	X	X	X
(4) When directed by the IRVMC	X	X	X	X

(h) *Alternative reporting.* The Eighth Coast Guard District Commander may consider and approve alternative methods to be used by a reporting party to meet any reporting requirements if—

(1) the request is submitted in writing to Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA 70130; and

(2) the alternative provides an equivalent level of the reporting that which would be achieved by the Coast Guard with the required check-in points.

(i) Deviation from this section is prohibited unless specifically authorized by the Commander, Eighth Coast Guard District or the IRVMC.

(Approved by the Office of Management and Budget under OMB control number 1625–0105)

[CDG08–03–029, 68 FR 57363, Oct. 3, 2003; 68 FR 63988, Nov. 12, 2003, as amended at 68 FR 69959, Dec. 16, 2003]

§ 165.835 Security Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL.

(a) *Definition.* As used in this section—

Cruise ship means a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories. This definition covers passenger vessels that must comply with 33 CFR parts 120 and 128.

(b) *Location.* The following areas are security zones: all waters of the Port of Mobile and Mobile Ship Channel—

(1) Within 100 yards of a cruise ship that is transiting shoreward of the Mobile Sea Buoy (located in approximate position 28°07'50" N, 88°04'12" W; NAD 83), and

(2) Within 25 yards of a cruise ship that is moored shoreward of the Mobile Sea Buoy.

(c) *Periods of enforcement.* This rule will only be enforced when a cruise ship is transiting the Mobile Ship Channel shoreward of the Mobile Sea Buoy, while transiting in the Port of Mobile, or while moored in the Port of Mobile. The Captain of the Port Mobile or a designated representative would inform the public through broadcast notice to mariners of the enforcement periods for the security zone.

(d) *Regulations.* (1) Under § 165.33 of this part, entry into a security zone is prohibited unless authorized by the Captain of the Port Mobile or a designated representative.

(2) While a cruise ship is transiting on the Mobile Ship Channel shoreward of the Mobile Sea Buoy, and while transiting in the Port of Mobile, all persons and vessels are prohibited from entering within 100 yards of a cruise ship.

(3) While a cruise ship is moored in the Port of Mobile, all persons and vessels are prohibited from entering within 25 yards of a cruise ship.

(4) Persons or vessels that desire to enter into the security zone for the purpose of passing or overtaking a cruise ship that is in transit on the Mobile Ship Channel or in the Port of Mobile must contact the on-scene Coast

Guard representative, request permission to conduct such action, and receive authorization from the on-scene Coast Guard representative prior to initiating such action. The on-scene Coast Guard representative may be contacted on VHF-FM channel 16.

(5) All persons and vessels authorized to enter into this security zone must obey any direction or order of the Captain of the Port or designated representative. The Captain of the Port Mobile may be contacted by telephone at (251) 441-5976. The on-scene Coast Guard representative may be contacted on VHF-FM channel 16.

(6) All persons and vessels shall comply with the instructions of the Captain of the Port Mobile and designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

[COTP Mobile-04-057, 70 FR 20813, Apr. 22, 2005]

§ 165.836 Security Zone; Escorted Vessels, Mobile, Alabama, Captain of the Port.

(a) *Definitions.* The following definitions apply to this section:

COTP means Captain of the Port Mobile, AL.

Designated representatives means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the COTP, in the enforcement of the security zone.

Escorted vessel means a vessel, other than a large U.S. naval vessel as defined in 33 CFR 165.2015, that is accompanied by one or more Coast Guard assets or other Federal, State, or local law enforcement agency assets clearly identifiable by flashing lights, vessel markings, or with agency insignia as follows: Coast Guard surface or air asset displaying the Coast Guard insignia. State and/or local law enforcement asset displaying the applicable agency markings and/or equipment associated with the agency. *Escorted vessel* also means a moored or anchored vessel that was escorted by Coast Guard assets or other Federal, State, or local

law enforcement agency assets to its present location and some or all of those properly marked assets remain on-scene to continue to enforce the security zone.

Minimum safe speed means the speed at which a vessel proceeds when it is fully off plane, completely settled in the water and not creating excessive wake or surge. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to minimum safe speed. In no instance should minimum safe speed be interpreted as a speed less than that required for a particular vessel to maintain steerageway. A vessel is not proceeding at minimum safe speed if it is:

- (1) On a plane;
- (2) In the process of coming up onto or coming off a plane; or
- (3) Creating an excessive wake or surge.

(b) *Regulated area.* All navigable waters, as defined in 33 CFR 2.36, within the Captain of the Port Zone, Mobile, Alabama, as described in 33 CFR 3.40-10.

(c) *Security zone.* A 500-yard security zone is established around each escorted vessel within the regulated area described in paragraph (b) of this section. This is a moving security zone when the escorted vessel is in transit and becomes a fixed zone when the escorted vessel is anchored or moored. A security zone will not extend beyond the boundary of the regulated area described in paragraph (b) of this section.

(d) *Regulations.* (1) The general regulations for security zones contained in § 165.33 of this part applies to this section.

(2) A vessel may request the permission of the COTP Mobile or a designated representative to enter the security zone described in paragraph (c) of this section. If permitted to enter the security zone, a vessel must proceed at the minimum safe speed and must comply with the orders of the COTP or a designated representative.

(e) *Notice of security zone.* The COTP will inform the public of the existence or status of the security zones around escorted vessels in the regulated area

§ 165.837

33 CFR Ch. I (7–1–10 Edition)

by broadcast notices to mariners, normally issued at 30-minute intervals while the security zones remains in effect. Escorted vessels will be identified by the presence of Coast Guard assets or other Federal, State or local law enforcement agency assets.

(f) *Contact information.* The COTP Mobile may be reached via phone at (251) 441-6211. Any on scene Coast Guard or designated representative assets may be reached via VHF-FM channel 16.

[USCG–2008–1013, 73 FR 67107, Nov. 13, 2008, as amended at 74 FR 22102, May 12, 2009]

§ 165.837 Safety Zone; Invista Inc Facility Docks, Victoria Barge Canal, Victoria, Texas.

(a) *Location.* The following area is a safety zone: All waters contained within a 500-foot (152.5m) extension east and west of the Invista Inc facility docks while performing offloading operations.

(b) *Enforcement period.* This rule will be enforced for periods of 24–30 hours twice a month, from the time the oversized barge docks at the Invista Inc facility until the vessel departs the facility upon conclusion of its offloading operations. The Captain of the Port Corpus Christi will issue a Broadcast Notice to Mariners before beginning enforcement and upon ceasing enforcement of the safety zone.

(c) *Definitions.* The following definition applies to this section: *designated representative* means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and Federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port Corpus Christi.

(d) *Regulations.* (1) Persons desiring to transit the area of the safety zone may contact the Captain of the Port at telephone number 1-361-939-6393, or the barge on VHF Channel 16 (156.800MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

(3) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means the operator of a vessel must proceed as directed.

(4) The Coast Guard may be assisted by other Federal, State, or local agencies.

(5) In accordance with the general regulations in 33 CFR part 165.23, no person or vessel may enter or remain in the zone described in paragraph (a) of this section except for support vessels/aircraft and support personnel, or other vessels authorized by the Captain of the Port Corpus Christi or his designated representative.

(e) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

[USCG–2009–0797, 75 FR 13436, Mar. 22, 2010]

§ 165.838 Regulated Navigation Area; New Orleans Area of Responsibility, New Orleans, LA.

(a) *Regulated Navigation Area.* The following is a regulated navigation area (RNA):

(1) The Inner Harbor Navigation Canal (IHNC) from Mile Marker 22 (west of Chef Menteur Pass) on the Gulf Intracoastal Waterway, west through the Gulf Intracoastal Waterway and the Inner Harbor Navigation Canal, out to Lake Ponchartrain and to the Mississippi River in New Orleans, LA;

(2) The Harvey Canal, between the Lapalco Boulevard Bridge and the intersection of the Harvey Canal and the Algiers Canal of the Intracoastal Waterway; and

(3) The Algiers Canal, from the Algiers Lock to the intersection of the Algiers Canal and the Harvey Canal.

(b) *Definitions.* As used in this section:

COTP means the Captain of the Port, New Orleans; and

Floating vessel means any floating vessel to which the Ports and Waterways Safety Act, 33 U.S.C. 1221 *et seq.*, applies.

(c) *Enforcement.* (1) The provisions of this paragraph (c) will be enforced only 24 hours in advance of, and during the duration of, any of the following predicted weather conditions:

(i) Predicted winds of 74 miles per hour (mph) or more or a predicted storm surge of 8 feet or more for the Inner Harbor Navigation Canal;

(ii) Predicted winds of 111 mph or more and/or a predicted storm surge of 10.5 feet or more for the Harvey or Algiers Canals through post storm land-fall, or other hurricane or tropical storm conditions as determined by the COTP; or

(iii) Other hurricane or tropical storm conditions expected to inflict significant damage to low lying and vulnerable shoreline areas, as determined by the COTP through National Weather Service/Hurricane Center weather predictions.

(2) In the event that a particularly dangerous storm is predicted to have winds or storm surge significantly exceeding the conditions specified in paragraphs (c)(1)(i) through (c)(1)(iii) of this section, the COTP may begin enforcement 72 hours in advance of the predicted conditions.

(3) During enforcement:

(i) All floating vessels are prohibited from entering or remaining in the RNA except pending approval of a waiver request made in accordance with paragraph (d) of this section or as authorized by a waiver approved by the COTP in accordance with paragraph (d);

(ii) Transient vessels will not be permitted to seek safe haven in the RNA except in accordance with a pre-arranged agreement between the vessel and a facility within the RNA, or as authorized by a waiver approved by the COTP in accordance with paragraph (d) of this section.

(4) The COTP will announce enforcement periods through Marine Safety Information Bulletins and Safety Broadcast Notices to Mariners.

(d) *Waivers.* (1) Upon request of the vessel owner or operator, the COTP may waive any provision of paragraph (c) of this section, if the COTP finds that the vessel's proposed operation can be conducted safely under the terms of that waiver.

(2) A request for waiver must be in writing, except as provided by paragraph (d)(3) of this section, and must describe or provide:

(i) The reason for requesting the waiver;

(ii) The vessel's current operations;

(iii) The name of any intended mooring facility, the specific mooring location within that facility, and a list of vessels routinely engaged in business at that facility;

(iv) The vessel's proposed operation during the RNA enforcement period, including intended mooring arrangements that comply with 33 CFR 165.803 and the mooring facility's equipment for supporting those arrangements; and

(v) Contact information for the vessel owner or operator during the RNA enforcement period.

(3) Under unusual circumstances due to time constraints, such as the malfunction of a bridge or lock within the RNA, the person in charge of a vessel may orally request an immediate waiver from the COTP, but the vessel owner or operator must send written confirmation of the request, containing the information required by paragraph (d)(2) of this section, to the COTP within five days of the oral request.

(4) The COTP may condition approval of a waiver request on the vessel owner's or operator's taking measures additional to those proposed in the waiver request, and may terminate a waiver at any time, if the COTP deems it necessary to provide safety.

(e) *Penalties.* Failure to comply with this section may result in civil or criminal penalties pursuant to the Ports and Waterways Safety Act, 33 U.S.C. 1221 et seq.

(f) *Notice of enforcement.* The COTP will notify the maritime community of periods during which this regulated navigation area will be enforced by providing advance notice through a Marine Safety Information Bulletin and Safety Broadcast Notice to Mariners.

[USCG-2009-0139, 75 FR 32279, June 8, 2010]

NINTH COAST GUARD DISTRICT

§ 165.T09-0073 Safety and Security Zones; Tall Ships Challenge 2010; Great Lakes; Cleveland, OH; Bay City, MI; Duluth, MN; Green Bay, WI; Sturgeon Bay, WI; Chicago, IL; Erie, PA.

(a) *Definitions.* The following definitions apply to this section: *Navigation Rules* means the Navigation Rules,